

MS

Notice of Allowability

Application No.

10/786,378

Examiner

Andrew J. Rost

Applicant(s)

HILL, DAVID J.

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Interview on 8/15/2005.
2. ☒ The allowed claim(s) is/are 1-35.
3. ☒ The drawings filed on 2/25/2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
 Paper No./Mail Date 7/26/04 , 5/11/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit
 of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
 Paper No./Mail Date 08172005.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John Munger on 08/15/2005.

The application has been amended as follows:

Page 6, line 19, replace "actuating arm" with – activating arm --.

Page 8, line 31, replace "Figures 8 and 9" with – Figures 7 and 8 --.

Page 9, line 3, replace "actuation arms" with – activating arms --.

Page 13, line 15, replace "feed tube" with – flow tube --.

Page 13, line 21, replace "feed tube" with – flow tube --.

Page 15, line 30, replace "(Figure 7)" with – (Figure 9) --.

Page 15, line 31, replace "(Figure 9)" with – (Figure 7) --.

Page 16, line 20, delete "(www.bimba.com)"

Page 17, line 4, replace "feed tube" with – flow tube --.

Page 19, line 12, replace "feed tube" with – flow tube --.

Page 19, line 24, replace "provide" with – provided --.

Page 20, line 26, replace "feed tube" with – flow tube --.

Page 20, line 30, replace "feed tube" with – flow tube --.

Page 21, lines 5, 19 and 22 (three total occurrences) replace "feed tube" with – flow tube --.

Page 24, line 20 (claim 2), replace "a cam member" with – an activating arm --.

Page 24, line 22 (claim 2), replace "cam member" with – activating arm --.

Page 25, line 19 (claim 9), replace "single" with – common --.

Page 27, line 8 (claim 14), delete "substantially D-shaped".

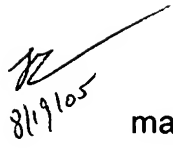
Page 27, line 15 (claim 14), replace "urges" with – urge --.

Page 29, line 11 (claim 22), delete "substantially D-shaped".

Page 30, line 18 (claim 24), replace "a cam member" with – an activating arm --.

Page 30, line 20 (claim 24), replace "cam member" with – activating arm --.

Page 33, lines 2-14, replace the ABSTRACT with the following ABSTRACT

 -- Bi-leaved valve apparatus for controlling bulk material flow from a bulk material metering apparatus. A bi-leaved valve apparatus comprises a cylindrical flow tube defining an axial material passageway, an outlet and a flow tube actuation surface. A valve support is mounted about the flow tube adjacent the flow tube outlet such that the valve support and flow tube are relatively rotatable. A pair of leaves are attached to the valve support and are sized to seal the flow tube outlet. The leaves are movable between open and closed orientations and have a valve actuation surface adjacent the flow tube actuation surface. An actuator causes relative rotational movement of the flow tube and valve support such that rotation to a first relative position causes the flow tube and valve actuation surfaces to open the leaves and rotation to a further relative

position causes the leaves to close. The valve apparatus may be used with bulk material metering machines such as vertical form/fill/seal packaging machines. ~ -

2. The following is an examiner's statement of reasons for allowance:

Regarding independent claims 1 and 22, the prior art did not disclose an actuator causing relative rotational movement of the flow tube and valve support tube such that rotation to a first relative position causes the flow tube and valve actuation surfaces to open the leaves and rotation to a second relative position causes the leaves to close.

Regarding independent claim 14, the prior art did not disclose an actuator in power-transmission relationship with the valve support, said actuator rotating the valve support relative to the flow tube such that, in one relative position, coaction of the flow tube and valve actuation surfaces urge the leaves to an open position and, in a second position, coaction of the flow tube and valve actuation surfaces urge the leaves to a closed position sealing the flow tube outlet.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew J. Rost whose telephone number is 571-272-

Art Unit: 3751

2711. The examiner can normally be reached on 7:30-5 M-Th and 7:30-5 every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on 571-272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Andrew J Rost
Examiner
Art Unit 3751



JUSTINE R. YU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

8/22/05